

## **REMARKS**

### **Claim status**

At the time of the Office Action, claims 2-18 were pending in the application, with Claims 13, 17 and 18 being independent. As a result of the amendments made above, claims 5, 6, 8, 9, 13, 15 and 16 have been cancelled. Claims previously depending from claim 13 have been made dependent from either claim 17 or 18. New claims 19 and 25 break out a portion of the limitations of claim 12, and they depend from claims 17 and 18, respectively. New claim 20 makes the limitation of claim 2 depend from claim 18 instead of claim 17. New claim 21 makes the limitation of claim 3 depend from claim 18. New claim 22 makes the limitation of claim 4 depend from claim 18. New claim 23 makes the limitation of claim 11 depend from claim 18. New claim 24 makes the limitation of claim 12 depend from claim 18.

### **Information Disclosure Statement**

The Examiner has requested translations of the non-English documents (AF-AI) contained in the Information Disclosure Statement filed October 24, 2000. Reference AF is found in English translation in EPO Patent Application 0 621 015 A1. Reference AI is found in English translation in Great Britain Patent Application 2 331 246 A. References AG and AH have not been located in English, but the has had a translation of each made for the Examiner. The four English documents are enclosed herewith.

### **Drawings**

The Examiner has requested that in the drawings, the limitations of claims 2-16 must be shown or the feature(s) cancelled from the claim(s) in order to avoid abandonment of the application. It is respectfully noted that Figure 1 is supported by claim 17 and that Figure 2 is supported by claim 18. It also noted that the paragraphs numbered [0019] and [0026] in the amended specification describe the limitation of claims 2-16 with such particularity that the proposed drawing correction made herewith is made without introducing new matter.

### **Specification Objections**

The Examiner has specifically noted grammatical and/or typographical errors at three specific locations in the specification. The appropriate corrections have been made by amending the specification. The new specification paragraph added as paragraph [0023] finds support in the claims as initially filed in the case, since it is good law that the claims form a part of the specification.

### **35 USC 112 rejections**

The Examiner has rejected claims 2 and 13 because the limitations "irregular thickness" and "irregularly formed" are not clearly described. Claim 2 has been amended so that the limitation is a "non-uniform thickness". Claim 13 has been cancelled rendering the rejection moot.

The Examiner has also rejected claim 15 because the limitation "mutual spacing" is not clearly understood. Claim 15 has been cancelled rendering the rejection moot.

### **Section 102 Rejections**

Callol EP 0824900

Claims 2-7 and 11-14 are rejected as being anticipated by Callol (EP 0824900) ("Callol '900"). This rejection has been mooted by the cancellation of claims.

Claim 2 is now dependent from claim 17, which is not anticipated by Callol '900.

Claim 3 depends from claim 2, and so it now depends ultimately from claim 17, which is not anticipated by Callol '900.

Claim 4 depends from claim 3, and so it now depends ultimately from claim 17, which is not anticipated by Callol '900.

Claims 5 and 6 are cancelled.

Claim 7 now depends directly from claim 17, which is not anticipated by Callol '900.

Claims 11 and 12 now depend directly from claim 17, which is not anticipated by Callol '900.

Claim 13 is cancelled.

Claim 14 is now dependent from claim 18, which is not anticipated by Callol '900.

New claim 20 makes the limitation of claim 2 depend from claim 18 instead of claim 17, so it is not anticipated by Callol '900, since claim 18 is not anticipated thereby.

New claim 21 makes the limitation of claim 3 depend from claim 18 instead of claim 17, so it is not anticipated by Callol '900, since claim 18 is not anticipated thereby.

New claim 22 makes the limitation of claim 4 depend from claim 18 instead of claim 17, so it is not anticipated by Callol '900, since claim 18 is not anticipated thereby.

New claim 23 makes the limitation of claim 11 depend from claim 18 instead of claim 17, so it is not anticipated by Callol '900, since claim 18 is not anticipated thereby.

New claim 24 makes the limitation of claim 12 depend from claim 18 instead of claim 17, so it is not anticipated by Callol '900, since claim 18 is not anticipated thereby.

New claims 19 and 25 break out a portion of the limitations of claim 12, and they depend from claims 17 and 18, respectively, so they are not anticipated by Callol '900.

As a result of the above, all of the remaining claims distinguish Callol '900;

**Yan (US 5,843,172) ("Yan '172")**

Claims 2-11 and 13-16 are rejected as being anticipated by Yan '172. While the Examiner has not specifically included claims 17 and 18 in the list of claims anticipated by Yan '172, the Examiner has discussed claims 17 and 18 in the text accompanying the rejection, so this will be addressed.

As noted above, all claims remaining in the case depend directly or indirectly from either claim 17 or claim 18. Specifically, the Examiner has cited Figure 12 of Yan '172 as showing the claim 17 limitation that the coating islands are spaced farther apart where a greater degree of local stretching or expansion occurs. The Examiner has also cited Figure 12 of Yan '172 as showing the claim 18 limitation of smaller coating islands where greater degrees of local stretching occur. Respectfully, the applicant traverses the Examiner's characterization of Yan '172 Fig. 12 and the text accompanying it, the text being the paragraph at Col. 8, lines 51-65.

What Figure 12 shows is a stent formed of a sintered sheet 104 of metal having a core 106 formed of large diameter particles 108 that form large pores. The core layer 106 is sandwiched between two layers 110 and 112 formed of smaller diameter particles 114 or particles that form smaller diameter pores. Col. 8, lines 52-58. A top layer of smaller diameter particles is arranged in a plane parallel to and above the middle layer. A bottom layer of particles are arranged in a plane parallel to and below the middle layer. The three layers are pressed together and sintered into a single sheet. The sheet can then be cut or etched into a stent configuration. Col. 8, lines 60-65. Pores are not, by any means, "coating islands." Further, the pores are randomly placed, being created by a stochastic mechanism, not one that has any bearing with areas of greater or lesser stretching or expansion.

For this reason, neither claim 17 nor 18 is anticipated by Yan '172, and, accordingly, none of the claims depending from claim 17 or 18 are anticipated either.

**Section 103 Rejections**

Claim 12 is rejected as being obvious over the combination of Yan '172 in view of Callol '900, the Examiner relying upon the teaching of Callol '900 for coating islands comprising gold. Since claim 12 has been amended above and claim 19, 24 and 25 now contain limitations previously in claim 12, the applicant understands the obviousness rejection to apply to claims 12,

19, 24 and 25. As claims 12 and 24 now stand amended, the only material being cited is amorphous silicon carbide. The applicant again asserts that neither Yan '172 nor Callol '900 teaches all of the limitations presented in either claim 17 or 18, from which claims 12, 19, 24 and 25 depend. Neither Yan '172 nor Callol '900 discusses amorphous silicon carbide.

For at least this reason, the rejection of claims 12, 19, 24 and 25 is believed to be overcome and these claims are considered allowable over the prior art cited.

Respectfully submitted,



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